UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,999	07/30/2003	Richard Bodin	22171.353	7723

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ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

14

	Application No.	Applicant(s)
Office Action Summary	10/630,999	BODIN ET AL.
	Examiner	**Art Unit**	
	Syed Zaidi	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07/30/2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *01/24/2005*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070516

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject
matter sought to be patented and the prior art are such that the subject matter as a whole
would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the
     claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application
     indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner

presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent

any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention

was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under

35 U.S.C. 103(a).

Claims 1 and 8, are rejected under **35 U.S.C. 103(a)** as being

unpatentable over **Ejzak et al**. (U.S. Patent Application # 6,721,565

B1) in view of **Mo et al.** (U.S.Patent Number: US 7,177,304 B1).

Consider claim 1, Ejzak et al. clearly shows and discloses a

method for providing a packet-based multimedia service to a mobile

device in a network, wherein the service is defined by a

telecommunications standard, and wherein the network does not

support packet quality of service (QoS) functionality as required by

the standard the method comprising: establishing a packet signaling

connection between the mobile device and network (Column 7 line

11-21) establishing a circuit bearer connection between the mobile

device and network (Column 11 line 7-22 and figure 1 and elements

122 and 142); transferring signaling information for the multimedia

service via the packet signaling connection in alignment with the

standard (Column 4 line 7-10 and figure 1 elements 132, 150) and

transferring data for the multimedia service via the circuit bearer

connection in alignment with the standard (Column 7 line 11-21)

wherein the multimedia service is provided to the mobile device via the network as specified by the standard even though the network does not support the required QoS functionality. However **Ejzak et al.** fail to teach the method ignored the required QoS functionality.

Neverthless in the same field of endeavor, **Mo et al.,** support and show does not support the required QoS functionality (Column # 1 and lines 35-38).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate not executing at the required QoS functionality resources as taught by **Mo et al.** in the method of **Ejzak et al.** for the purpose of signaling protocol ignoring the QoS functionality.

Consider claim 8, Ejzak et al. clearly shows and discloses a method for providing a packet-based multimedia service to a mobile device in a network, wherein the service is defined by a telecommunications standard, and wherein the network does not support packet quality of service (QoS) functionality as required by the standard the method comprising: establishing a packet signaling connection between the mobile device and network (Column 7 line

11-21) establishing a circuit bearer connection between the mobile

device and network (Column 11 line 7-22 and figure 1 and elements

122 and 142); transferring signaling information for the multimedia

service via the packet signaling connection in alignment with the

standard (Column 4 line 7-10 and figure 1 elements 132, 150) and

establishing a packet-based signaling context between the endpoint

and a gateway (Column 11 line 7-23) establishing a circuit bearer leg

between the endpoint and the gateway using the signaling context

(Column 12 line 57-64) and controlling the transfer of data via the

circuit bearer leg using the signaling context, wherein the signaling

context is used to control the provision of the packet-based

multimedia service via the circuit bearer leg in alignment with the

standard (Column 13 line 46-53). However **Ejzak et al.** fail to teach

the method ignored the required QoS functionality.

Neverthless in the same field of endeavor, **Mo et al.,** support

and show does not support the required QoS functionality (Column #

1 and lines 35-38).

Therefore, it would have been obvious to a person of ordinary

skill in the art at the time the invention was made to incorporate not

executing at the required QoS functionality resources as taught by

Mo et al. in the method of **Ejzak et al.** for the purpose of signaling

protocol ignoring the QoS functionality.

Claims 2-7 and 9-14, are rejected under **35 U.S.C. 103(a)** as being

unpatentable over **Ejzak et al.** (U.S. Patent Application # 6,721,565

B1) in view of **Ahmavaara.** (U.S.Pub Number: US 2005/0101245 A1).

    Consider claim 2, and **as applied to claim 1 above, Ejzak et**

al. as modified by **Ahmavaara.** disclose the claimed invention

except further comprising executing at least one null operation to

authorize QoS resources wherein the operation is null because no

QoS is requested due to the circuit bearer connection.

    Neverthless in the same field of endeavor, **Ahmavaara**

executing at least no null operation to authorize QoS resources

(Paragraph 0130, 01359 and figure # 14, # 15) wherein the

operation is null because no QoS is requested due to the circuit

bearer connection (Paragraph 0093).

    Therefore, it would have been obvious to a person of ordinary

skill in the art at the time the invention was made to incorporate the

executing at least one null operation to authorize QoS resources

wherein the operation is null because no QoS is requested due to the

circuit bearer connection as taught by **Ahmavaara** for the purpose of

signaling protocol providing the signaling functionality.

Consider claim 3, Ejzak et al. as modified by **Ahmavaara.**

and applied to claim 1 above, clearly shows and discloses a method

for providing a packet-based multimedia service to a mobile device

in a network disclose the claimed invention except further comprising

controlling the transfer of data via the circuit bearer connection using

the signaling information (Column 4 line 7-10 and figure 1 and

element 132).

Consider claim 4, Ejzak et al. as modified by **Ahmavaara.**

clearly show and applied to claim 1 above, disclose a method for

providing a packet-based multimedia service to a mobile further

comprising requesting the circuit bearer connection, wherein the

request is initiated by the network (Column 11 line 51-59).

Consider claim 5, Ejzak et al. as modified by **Ahmavaara.**

clearly and applied to claim 1 above, show and disclose a method

for providing a packet-based multimedia service to a mobile device

in a network, further comprising requesting the circuit bearer

connection, wherein the request is initiated by the mobile device

(Column 9 line 14-20).

Consider claim 6, Ejzak et al. as modified by **Ahmavaara.**

clearly shows and applied to claim 1 above, discloses a method for

providing a packet-based multimedia service to a mobile device in a

network, further comprising maintaining the circuit bearer and packet

signaling connections simultaneously (Column 5 line 24-29).

Consider claim 7, Ejzak et al. as modified by **Ahmavaara.**

clearly show and applied to claim 1 above, disclose a method for

providing a packet-based multimedia service to a mobile device in a

network, further comprising bridging the circuit bearer connection

with an endpoint bearer connection, wherein the bridging establishes

a link between the mobile device and the endpoint bearer connection

(Column 11 line 7-23).

Consider claim 9, and as applied to claim 8, **Ejzak et al.** as

modified by **Ahmavaara.** clearly show and disclose a method for

providing a packet-based multimedia service to a mobile device in a

network, further comprising initiating the establishment of the circuit

bearer leg by either the endpoint or the gateway (Column 11 line 7-

23) (Column 15 line 58-65).

Consider claim 10, and as applied to claim 8, **Ejzak et al.** as

modified by **Ahmavaara.** clearly shows and discloses a method for

providing a packet-based multimedia service to a mobile device in a

network, further comprising authorizing a previously requested QoS

resource wherein the authorization is null because no QoS is

requested due to the circuit bearer connection (Column 11 line 7-

23).

Consider claim 11, and as applied to claim 8, **Ejzak et al.** as

modified by **Ahmavaara.** clearly shows and discloses a method for

providing a packet-based multimedia service to a mobile device in a

network, the method of claim 10 wherein the authorizing utilizes a

packet control function (Column 15 line 58-65).

Consider claim 12, and as applied to claim 8, **Ejzak et al.** as

modified by **Ahmavaara.** clearly shows and discloses a method for

providing a packet-based multimedia service to a mobile device in a network, the method of claim 8 wherein establishing the signaling context includes providing a codec indicating that a circuit bearer is being used (Column 2 line 22-30) (Column 4 line 7-10 and figure 1 and element 132).

Consider claim 13, and as applied to claim 8, **Ejzak et al.** as modified by **Ahmavaara.** clearly show and disclose a method for providing a packet-based multimedia service to a mobile device in a network, the method of claim 8 wherein establishing the signaling context includes provisioning the endpoint with a null codec to prevent voice packets from being sent via an available packet signaling connection (Column 2 line 6-29).

Consider claim 14, and as applied to claim 8, **Ejzak et al.** as modified by **Ahmavaara.** clearly show and disclose a method for providing a packet-based multimedia service to a mobile device in a network, wherein using the signaling context includes using a packet-based session initiation protocol (Column 2 line 37-54).

Claims 15-20, are rejected under **35 U.S.C. 103(a)** as being

unpatentable by **Surdila et al** (U.S. Publication # 2002/0110104 A1)

in view of **Ejzak et al.** (U.S.Patent Number: 6,721,565 B1).

Consider claim 15, Surdila et al. clearly shows and discloses

a method for providing a packet-based multimedia service to a

mobile device in a network, a telecommunications system for

providing a packet-based multimedia service to a mobile station

(Paragraph 0002) (MS) in a wireless network, wherein the service is

defined by a telecommunications standard (Paragraph 0009), and

wherein the network does not support a packet quality of service

(QoS) mechanism specified by the standard, the system comprising:

a proxy call session control function (Paragraph 0012) (P-CSCF); a

media gateway connected to the (Paragraph 0021)P-CSCF; and a

plurality of instructions for executing within the network, the

instructions for: establishing a packet signaling context between the

MS and the P-CSCF (Paragraph 0022); establishing a circuit bearer

connection between the MS and the media gateway (Paragraph

0009); transferring signaling information for the multimedia service

between the P-CSCF and the media gateway (Paragraph 0022), and

between the P-CSCF and the MS via the packet signaling

(Paragraph 0006) connection in alignment with the standard

(Paragraph 0023). However, **Surdila et al.** did not explicitly mention

transferring data for the multimedia service between the media

gateway and the MS via the circuit bearer connection in response to

the signaling information.

Nevertheless in the same field of endeavor, **Ejzak et al**. clearly

show and disclose transferring data for the multimedia service

between the media gateway and the MS via the circuit bearer

connection in response to the signaling information (Column 11 line

7-22 and figure 1 and elements 122 and 142).

Therefore, it would have been obvious to a person of ordinary

skill in the art at the time the invention was made to incorporate the

transferring data for the multimedia service as taught by **Ejzak et al**.

and in the method of **Surdila et al.** for the purpose of providing the

signaling bearer traffic between the wireless system.

Consider claim 16, Surdila et al. as modified by **Ejzak et al.**

clearly shows and discloses a method for providing a packet-based

multimedia service to a mobile device in a network, the system of

claim 15 further comprising a serving call session control function

(Paragraph 0007, 0012)(S-CSCF) connected to the P-CSCF and an endpoint, wherein a communication leg between the S-CSCF and the endpoint can be bridged with the circuit bearer connection to form a call session (Paragraph 0005, 0022).

Consider claim 17, Surdila et al. as modified by Ejzak et al. clearly shows and discloses a method for providing a packet-based multimedia service to a mobile device in a network, the system of claim 15 wherein functionality provided by the media gateway and the P-CSCF is combined in a hybrid service gateway (Paragraph 0011) (HSG) multimedia (Paragraph 0014).

Consider claim 18, Surdila et al. as modified by Ejzak et al. clearly shows and discloses a method for providing a packet-based multimedia service to a mobile device in a network, the system of claim 17 further comprising a plurality of media servers connected to the HSG via the P-CSCF (Paragraph 0008).

Consider claim 19, Surdila et al. as modified by Ejzak et al. clearly shows and discloses a method for providing a packet-based

multimedia service to a mobile device in a network, the system of

claim 15 further comprising: a mobile switching center (Paragraph

0004) (MSC) positioned between the MS and the media gateway,

wherein the circuit bearer connection is established between the MS

and MSC; and an intelligent gateway positioned between the MSC

and the P-CSCF (Paragraph 0018) wherein the intelligent gateway

maps signaling messages (Paragraph 0012) between the P-CSCF

(Paragraph 0008) and the MSC (Paragraph 0026).

Consider claim 20, Surdila et al. as modified by **Ejzak et al.**

clearly shows and discloses a method for providing a packet-based

multimedia service to a mobile device in a network, the system of

claim 15 wherein the network is a universal mobile

telecommunications system (UMTS) wireless network (Paragraph

0024) and wherein the telecommunications standard is an internet

protocol multimedia subsystem (Paragraph 0044) (IMS) standard

defined within a third generation partnership project (3GPP)

(Paragraph 0031).

Conclusion

Any response to this Office Action should be **faxed to** (571)

273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier

communications from the Examiner should be directed to Syed Zaidi

whose telephone number is (571) 270-1779. The Examiner can

normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are

Unsuccessful, the Examiner's supervisor, Seema S.Rao can be

reached on (571) 272-3174. The fax phone number for the

organization where this application or proceeding is assigned is (571)

273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Syed Zaidi
S.Z/s.z

Seema S. Rao
SEEMA S. RAO　6/22/07
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

June 22nd, 2007.